



ZONING BOARD OF ADJUSTMENT

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC MEETING

Tuesday, December 05, 2023 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bill Bilodeau, Steve Gerrato, Chip Hussey, Leonard Schwab

Members Absent: Dick Rugg

Also Present: Attorney Steve Whitley, Drummond Woodsum

1. 1419 Greenland Road (R21, 46 – Commercial C Zone, Telecom District)

Application: Special Exception

Applicant: Atlantic Tower LLC

Owner: Wakefield Investments

The owner and applicant are requesting a Special Exception from the Greenland Zoning Ordinance Article XI – Telecommunications Ordinance, Section 11.4.2 – Use Districts. New tower construction is allowed in the Telecom District with a Special Exception.

Attorney Christopher Swiniarski, Devine, Millimet and Branch, and representing Atlantic Tower LLC, addressed the Board. Attorney Swiniarski noted that the Town's consultant, IDK Communications, reviewed the materials and reached the same conclusion that the proposed facility will address gaps in coverage and capacity (bandwidth).

L. Schwab questioned if coverage plots had been run for lower height towers. Attorney Swiniarski explained they had not because 90 feet and below there is tree canopy. They do not want to build one tower for one carrier; they tried to find the location where multiple carriers can have a spot on the tower. Attorney Swiniarski commented that they could build a lower tower but would have to come back to the Board for an extension, which is not an efficient process. L. Schwab noted that the Ordinance states co-locating is desirable. L. Schwab wanted to be sure the applicant was really certain that the space would be leasable or was something being built with one set of antennas. Attorney Swiniarski stated that with the experience the people have who are building the towers, they feel it is the correct height to accommodate four carriers. The bottom rung would be the least desirable spot unless someone was looking for a capacity offload only and not coverage. Much lower than 100 feet would be a useless project.

L. Schwab clarified that carriers would be placed on the tower according to how they came in. Brendan Gill, Atlantic Tower, explained that there is 10 feet of separation between antennas to reduce feedback. B. Bilodeau questioned the weight capacity of each cabinet on the tower; B. Gill responded they weigh approximately 30 pounds each. Attorney Swiniarski stated that the weight of the antenna is not an issue for the tower, which is designed for them. B. Gill explained that these towers are more efficient and designed so they do not need guy wires or a big structural footprint.

L. Schwab questioned if they could discuss the foundation; there are wetlands. B. Gill stated that they do extensive geotech. Their engineers will sample soils for the foundation design. The design will be stamped by

a licensed engineer and approved by the Building Inspector. The towers are wind loaded to 140 miles per hour. They are almost over-engineered. Modifications are made to the tower as carriers are added. Attorney Swiniarski explained that the foundation is not wall but similar to a cube and small in footprint. It will be a big underground concrete box. He pointed out that each of the 'little dots' on the plan were actually anchor bolts. Depending on the geotechnical analysis, some anchor bolts are 12 feet deep. There is a special epoxy that is used. Attorney Swiniarski stated that it was a substantial underground 'chunk' of foundation.

L. Schwab stated that one of the profiles of the antenna in the plan suggested it was a single piece from zero to 100 feet. He questioned how many sections there were to the tower. B. Gill stated it normally arrives in three sections. The first piece is bolted onto the ground and the remaining pieces slip on top of each other. The number of pieces depends on the manufacturer.

B. Bilodeau noted that they indicated on the application that there is no hazard to the public (see application). His concern was that the tower was close to the highway and railroad tracks. If the tower were to fall and hit a propane tank on a railcar, that could amount to a large explosion. That could be a triggering mechanism. If the tower fell, it could hit the highway or railroad tracks. Attorney Swiniarski noted that the proximity of the entire tower to the railroad tracks is 100 feet; it would not touch the highway. The towers will break and fold down, so they do not fall in one piece. The force that would bring a tower down is at the top. The tower is designed so it does not transmit down to the foundation, bringing the whole tower down; it breaks off at the top. The towers are specifically designed to not come down as an entire 100-foot piece. L. Schwab noted the 1996 publication by the Army Research Lab: Atmospheric Icing and Tower Collapse. B. Gill stated towers have evolved since then.

L. Schwab was also concerned about tower failure with the train tracks and highway in close proximity. B. Gill stated they would submit a 'fall zone letter' from their engineer. Attorney Swiniarski stated they would be happy to share the geotechnical information with the Board. The geotechnical testing is not done until after the permitting process.

Responding to L. Schwab, Attorney Swiniarski stated that he did not think DOT has been contacted about access. B. Gill noted that would be part of the site plan review with the Planning Board. Possible access to the site was discussed. Attorney Swiniarski noted that because they are federally licensed, there are federal regulations they must follow. They realize they will need a DOT permit. The turn off for the tower will be cleaner and safer.

C. Hussey questioned if emergency generators will be on site. Attorney Swiniarski felt most carriers would have a generator. The fuel type will be either propane or diesel depending on the carrier's choice. Diesel systems are double walled and alarmed. Leakage is not generally a concern. Operations teams do not consider natural gas as a reliable source. C. Hussey questioned the tank location. Attorney Swiniarski stated tank location would be part of site plan review. B. Gill added that everything would be within the compound; nothing would be outside of that area. Generators will be on concrete pads surrounded by a six-foot fence.

Fencing was discussed. The ZBA preferred fencing similar to what was used on the opposite side of Ameri-Gas. B. Gill stated there would be vegetation along the front side of the compound.

Attorney Whitley commented that there was an obligation to try to co-locate before a new tower is built. The RF engineer resolved the geographic area where they wanted to locate the tower. He did not see any attempts to co-locate, other than that the new tower was deemed the best option. Attorney Whitley asked Attorney Swiniarski and B. Gill to provide more information about a possible co-location. Attorney Swiniarski responded that the plans show all the existing towers; the primary carrier is currently on the existing towers. He stated that it is not co-locating when they are already on it. The whole purpose is to relieve some of the capacity

strain and to remedy some of the gaps in coverage. Attorney Swiniarski felt it addressed co-location because the other sites were shown on the plan they provided the Board. Attorney Whitley asked if there were any related structures, not necessarily towers, where they could co-locate. B. Gill stated that there were no roof tops with adequate height. Attorney Swiniarski added it is an area without tall structures.

Attorney Swiniarski explained that all the carriers are constantly monitoring network performance. People do not make phone calls; it is more about how fast the data is coming through. Cell service is supposed to compete with landlines and internet service. Wireless service is very close to being as good as the hardline service. The Telecommunications Act wants to promote competition among carriers to provide the best service.

Attorney Whitley noted that a condition recommended by IDK was that no building permit be issued until there was a carrier agreement. Attorney Swiniarski agreed, stating that it was a perfectly reasonable condition. He requested it not be made specific to Verizon in case an agreement was reached with another carrier first.

Attorney Whitley noted the additional conditions offered by the applicant: fall zone letter from the engineer which would be submitted within 30 days of final Planning Board approval; the Town will be present when the geotech analysis was done—after Planning Board and prior to submitting the building permit; fencing along the public facing side of the compound—subject to Planning Board approval.

C. Hussey mentioned the note about stockpiling. B. Gill stated they typically do not take anything off the property; they chip any brush on the property to be used for drainage. The fence was shown and discussed. The applicant was not in favor of the cement columns and requested they not be required. L. Schwab noted that the fence for the tower will be further off the road than the existing fence. C. Hussey did not like chain link; B. Gill stated they could install a more appealing fence.

Attorney Whitley suggested another hearing to give the applicant time to propose a better form of fencing. B. Gill suggested wooden stockade fencing, PVC fencing, or metal bar fencing without the stone. Attorney Swiniarski stated their only issue was the stonework. He added that he would be fine with the condition that the fencing be similar without the stonework subject to Planning Board approval.

Attorney Whitley asked the Board if they needed additional time to review the materials and come back for another meeting. Did they feel comfortable rendering a decision at this meeting? Did they need a recess and another non-meeting, asking him legal questions? L. Schwab stated that the motion would be made with conditions. He requested a short meeting with the Board to draft the conditions.

C. Hussey asked members to review the standard criteria for a Special Exception. Responding to questions from L. Schwab: B. Gill stated there were no demands on municipal services. There will be no security cameras on site; the fence and gate will be locked. Carrier cabinets are alarmed and monitored by special control centers. Police and fire will have access to the Knox Box. C. Hussey mentioned that the Planning Board may want to take a site walk before colder weather moves in. B. Gill stated they have made design changes. Due to wetlands and buffers, they wanted to make sure they had the room.

MOTION: L. Schwab moved to enter into a 15-minute recess at 7:40 pm. Second – C. Hussey; all in favor.
MOTION CARRIED

The Board reconvened at 7:50 pm.

MOTION: C. Hussey moved to grant the Special Exception for 1419 Greenland Road (R21, 46 – Commercial C Zone, Telecommunications District) from the Greenland Zoning Ordinance Article XI – Telecommunications Ordinance, Section 11.4.2 – Use Districts, with the following conditions: (1) Applicant shall provide a carrier

agreement as a pre-condition of issuance of a building permit. (2) Applicant shall provide the fall zone engineering certification letter to the Town within 30 days of the Planning Board's final approval. (3) Applicant shall allow the Town Building Inspector and any Town consultant to be present for the geotech and any soil inspections performed to prepare the building permit application as well as access to any resulting data. (4) The applicant agrees to provide improved fencing along Rt. 33 to be more aesthetically pleasing and consistent with the columned fence on the neighboring property but without the columns, subject to site plan approval. Second – L. Schwab; all in favor. MOTION CARRIED

The deadline date for the Planning Board application was noted as Thursday, December 28, 2023, at noon. The meeting date will be Thursday, January 18, 2024.

2. Approval of Minutes

Approval of minutes for Tuesday, August 16, 2023, was continued to the meeting on Wednesday, January 17, 2024, meeting.

MOTION: L. Schwab moved to approve the minutes of Tuesday, November 21, 2023, as amended. Second – B. Bilodeau; all in favor. MOTION CARRIED

3. Other Business

There was no 'Other Business' to discuss.

4. Adjournment

MOTION: B. Bilodeau moved to adjourn at 7:56 pm. Second – L. Schwab; all in favor. MOTION CARRIED

NEXT MEETING

Wednesday, January 17, 2024 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant